



CITY COUNCIL

JAN SUMRALL
DISTRICT NO. 1

ROSE RODRIGUEZ
DISTRICT NO. 2

LARRY M. MEDINA
DISTRICT NO. 3

JOHN COOK
DISTRICT NO. 4

DANIEL S. POWER
DISTRICT NO. 5

PAUL J. ESCOBAR
DISTRICT NO. 6

LUIS G. SARIÑANA
DISTRICT NO. 7

ANTHONY COBOS
DISTRICT NO. 8

REGULAR COUNCIL MEETING
COUNCIL CHAMBERS
AUGUST 6, 2002
9:00 A.M.

The City Council met in regular session at the above place and date. Mayor Raymond C. Caballero present and presiding and the following Council Members answered roll call: Jan Sumrall, Rose Rodriguez, Larry M. Medina, John F. Cook, Daniel S. Power, Paul Joseph Escobar, Luis G. Sariñana and Anthony Cobos. Absent: None. Meeting was called to order and the invocation was given by Pastor Justo Sustaita, Centro Vida – Amor Divino, followed by the Pledge of Allegiance to the Flag of the United States of America, Mayor's Proclamations & Certificates.

1. **National Night Out - 8/6**
2. **Teachers of Math Appreciation Month**
3. **Certificate of Appreciation - El Paso Association of Builders**

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No action was taken regarding report from Mr. Juan F. Sandoval, Tax Assessor/Collector.

Mr. Juan Sandoval, Tax Assessor Collector, presented Council Members with a PowerPoint presentation discussing the operations of the City of El Paso Tax Office. (copy on file in the City Clerk's office) He introduced the supervisory staff members of the Tax Office, Ms. Carmen Perez, attorney with firm Delgado, Acosta, Spencer, Linebarger, Heard & Perez, LLP and the Honorable Victor Flores, County Tax Assessor/Collector and thanked them all for their diligent service and cooperation. He noted that the City of El Paso Tax Office was the model which other Texas cities follow in that El Paso has the only large urban operation in the State of Texas handling all tax collections.

Mayor Raymond C. Caballero commended Mr. Sandoval for his very informative presentation and recognized and thanked Mr. Victor Flores, County Tax Assessor/Collector, for his cooperation regarding the consolidation of the taxing entities.

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RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor, on behalf of the City, accept a donation of the following police vehicle light bar equipment for use by the El Paso Police Department from Code 3, Inc.:
Two D-Tech Rotators; two red LED modules; two blue LED modules and two MX clear hardcoat lenses.
The total value of the donation is \$1,272.48.

***R E S O L U T I O N**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign release of lien on the following property (legal description on file in the City Clerk's Office) for consideration paid to the City in full satisfaction of amount owed pursuant to this sanitation lien for:

	<u>Lien</u>	<u>Interest</u>	<u>Total Paid</u>
6000 Block Sorrel Drive	\$163.46	\$16.82	\$180.28

***R E S O L U T I O N**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign an interlocal governmental agreement between the City of El Paso and the Ysleta Independent School District (YISD) for the furnishing of fifteen (15) police officers for the School Resources Officer Program to be conducted within the YISD, during the school year 2002-2003 with an option to extend through summer school 2003; payment will be received from the YISD for eleven of the officers in an amount equal to 50% of each officer's salary and benefits for the actual number of days each officer works in the Program, and the salaries for four officers will be paid from the COPS in Schools grant from the U.S. Department of Justice, Office of Community Oriented Policing Services.

Motion made, seconded and unanimously carried to move to the Regular Agenda the following:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

WHEREAS, the Fort Bliss Cemetery is the final resting place for more than 34,670 men and women who served our great nation in time of war; and

WHEREAS, there are more than 60,000 veterans living in El Paso; and

WHEREAS, more than 58,219 Americans lost their lives during the Vietnam War; and

WHEREAS, more than 54,246 Americans lost their lives during the Korean Conflict; and

WHEREAS, more than 408,306 Americans lost their lives during WWII; and

WHEREAS, the millions of Americans who were fortunate enough to survive their service to our Nation in time of war have earned the right to be buried in a place of honor alongside their fallen comrades; and

WHEREAS, when our Nation needed them, American combat troops asked only what they could do for their Country; and

WHEREAS, the families of all deceased Veterans expect that this final interment be accomplished in a place of peace, serenity, and beauty; and

WHEREAS, the financial burden of maintaining landscaping in our National Cemetery is far outweighed by the obligation to honor our heroes who answered the call and served with pride, honor, and distinction.

NOW, THEREFORE BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF EL PASO:

THAT we are opposed to replacing the turf in the Fort Bliss National Cemetery with rocks and gravel and fully expect our elected representatives to voice this opposition in Washington, D. C.

Representative Cook read the Resolution into the record.

Mayor Raymond C. Caballero questioned what the views of the Veterans' organizations were.

Representative Cook explained that the controversy began at the newly constructed cemetery in Phoenix, Arizona, which had been xeriscaped rather than traditional grass landscaping. He stated that the Fort Bliss National Cemetery had recently incorporated 22 acres and explained the new acreage would be xeriscaped. He remarked that in order to maintain the cemetery's current 60 acres of turf, 126 million gallons of water would be utilized; however, the current budget allowed for only 90 million gallons of water. He stated that he hoped Congressman Silvestre Reyes would request additional funding so that the Fort Bliss National Cemetery might maintain its current turf landscaping with the possibility of utilizing reclaimed water in the future.

Mayor Caballero questioned what service(s) would be cut in order to budget for the water.

Mayor Caballero questioned whether Representative Cook had sought out advice from a representative of the Fort Bliss National Cemetery.

Representative Cook explained he had spoken with a gentleman yesterday and had invited him to this morning's Council meeting.

Representative Medina remarked that he was a veteran and would be buried in a military cemetery. He noted he was not opposed to xeriscaping the cemetery and asked that more information, such as the reasoning behind xeriscaping, etc., be made available.

Representative Cook clarified that Fort Bliss National Cemetery was separately funded from Biggs Field.

Representative Sumrall reiterated that El Paso was facing a water shortage and applauded the Fort Bliss National Cemetery in their efforts to conserve water. She agreed with Representative Cook's suggestion regarding the use of reclaimed water at the cemetery. She suggested Fort Bliss utilize xeriscaping in the area surrounding the Officers' housing and recommended that they utilize their wells for landscape watering.

Representative Power informed Council Members his father had served in two wars and was buried in the Fort Bliss cemetery. He was troubled that Council Members were discussing the application of a little extra water on the graves of so many people who had spilled so much blood for this country. He felt the Resolution was very important and added Congressman Reyes was very much opposed to the issue of xeriscaping the cemetery. He urged Council Members to unanimously support the Resolution and send a strong message to our Washington representatives. He remarked that he would rather kneel down on grass than xeriscaping while visiting his father's headstone.

Representative Escobar requested more information be made available from the representative from the Fort Bliss National Cemetery and speculated if the representative would be holding public hearings. He asked to postpone the item for two weeks, Representative Sumrall seconded.

Mr. Carl Robinson, citizen, he informed all those present he was an American Legion Disabled Veteran and veteran of World Wars, in addition to serving two consecutive terms during the Vietnam conflict. He added that he had been given a promise that he would be buried in a national cemetery. He explained that the Fort Bliss National Cemetery was the property of the Veteran's Administration and was budgeted for through same administration, not the Department of Defense. He commented on the erosion of benefits his comrades were receiving and strongly urged Council Members to pass the Resolution unanimously. He relayed that veterans he had communicated with were in favor of Council Member's Resolution.

Representative Sumrall withdrew her second to postpone.

Ms. Lisa Turner, citizen, asked Council Members to consider the reason we are all here today was due to all those buried at Fort Bliss cemetery. She remarked that people had given their lives and gone to hell and back for our freedoms.

Mr. Walt Phillips, veteran of 27 years, remarked he had many family members and loved ones buried at Fort Bliss National Cemetery and mentioned Goose Tatum, a former Harlem Globetrotter, was buried there. He stated that government monies come from our tax dollars and that this was not a matter of water but a matter of respect. He noted that it would be very difficult to maneuver a wheelchair over xeriscaping and added kneeling on xeriscaping would be very uncomfortable. He also strongly urged Council Members to stand united and say thank you to all veterans.

Representative Sumrall explained that prior to coming to today's Council meeting she had already made up her mind as to how she would vote; however, after listening to the remarks from the many speakers she would change her vote to support the Resolution. She mentioned that her father was buried in a National Cemetery in Ohio.

Representative Escobar interjected that a public forum would be necessary due to the misinformation that was being disseminated.

Representative Cook reiterated he had spoken with a Mr. Flitcraft from the Fort Bliss National Cemetery and had invited him to today's meeting.

Representative Rodriguez asked Council Members to consider what the veterans had given up so that we might have our freedoms today.

Mayor Caballero was concerned that the Fort Bliss National Cemetery representative was not present even though he had been invited to attend the Council meeting and added it would have been extremely helpful as there were many unanswered questions.

Representative Cook remarked that he had e-mailed the Resolution to Congressman Silvestre Reyes for his approval prior to the Resolution appearing on City Council Agenda.

Representative Sumrall interjected and stated Congressman Reyes would be holding a public meeting on August 25, 2002, to discuss the xeriscaping issue and added she would like to send this Resolution to that public meeting.

Mr. John Roybal, 20 year Air Force veteran, explained his father had spent 37 years in the Army and was buried in the Fort Bliss National Cemetery. He suggested Fort Bliss xeriscape the parade grounds and other notable areas in order to conserve water.

Mr. Ray Gilbert, citizen, noted he had recently toured the cemetery in Normandy, France, where 33,000 German troopers were buried. He wondered why Council Members had not spoken with Congressman Reyes who had been working on the same issue for the past two months.

Motion made by Representative Cook, seconded by Representative Escobar and unanimously carried to approve the above Resolution.

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Motion made, seconded and unanimously carried to move to the Regular Agenda the following:

RESOLUTION

WHEREAS, the City of El Paso recognizes the importance and benefit of open government; and

WHEREAS, the City Council meetings are televised by Time Warner as a result of the City of El Paso recognizing the importance of providing its constituents the opportunity to view such meetings; and

WHEREAS, City Council recognizes that the citizens of El Paso have an interest in the viewing the Public Service Board meetings;

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Public Service Board is urged to decide to televise their meetings and implement the means to allow for the televising of those meetings for the benefit of citizens of El Paso.

There being no public comment, the vote was taken.

Motion made by Representative Sumrall, seconded by Representative Cook and unanimously carried to approve the above Resolution.

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Motion made, seconded and unanimously carried to move to the Regular Agenda the following:

R E S O L U T I O N

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign an Amendment to the 1999 Empowerment Zone Planning and Implementation Grant No. EZ-99-TX-0013 by and between the Department of Housing and Urban Development, the State of Texas and the City of El Paso. This Amendment affirms the deletion of the Northwest Developable Site, the adjusting of the acreage of the East Side Developable Site, and the addition of the Control Area Developable Site.

Representative Cobos questioned Ms. Debbie Hamlyn, Director of Community & Human Development, regarding the net loss of 40 acres and requested a copy of the revised map.

Ms. Hamlyn responded the proposal had come before Council Members in April of 2002 and it was at that time she discussed losing the northwest site. She explained that the new proposed site would be adjacent to the current Empowerment Zone and today's action by Council Members would authorize Ms. Hamlyn to sign the amendment.

Representative Sumrall remarked she was supportive of this matter; however, would oppose the Empowerment Zone if it were located on the Westside due to the Corporate Center.

Representative Cobos questioned whether the area encompassed the Border Health Institute section.

Ms. Hamlyn responded no.

Motion made by Representative Sumrall, seconded by Representative Medina and unanimously carried to approve the above Resolution.

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Motion made, seconded and unanimously carried to move to the Regular Agenda the following:

R E S O L U T I O N

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the following Housing Rehabilitation application and funding be approved in the amounts shown below as recommended by the Director of Community and Human Development and that the City Comptroller be authorized to issue checks in the amounts shown below for the approved application.

Application No.: H02-06-CD/IO/MP-0318	HOME Loan:	\$ 652,232.00
	HOME Grant:	\$ 490,848.00
	Total	\$1,143,080.00

Address: 1015 Myrtle Avenue (79901)
Interest at three percent (3%)

AND THAT the Mayor be authorized to sign a HOME Financial Terms Contract between the City and Steven S. Stoiber and Maria Stoiber aka Maria G. Stoiber, and a Builder's and Mechanic's Lien Contract and Deed of Trust (With Power of Sale) between the City, Medsons Construction Ltd. Co., and Steven S. Stoiber and Maria Stoiber aka Maria G. Stoiber, relating to a Community Development Rehabilitation Loan Application No. H02-06-CD/IO/MP-0318.

Representative Medina, Representative Cobos, Representative Rodriguez, Representative Sumrall and Mayor Raymond C. Caballero questioned Ms. Debbie Hamlyn, Director of Community & Human Development, and Mr. Robert Soto, Housing Program Administrator – CD/Housing Rehab, about various aspects of the application, the funding and the contract particulars. CAO Charlie McNabb commented and requested that the City Attorney discuss the legal matters with Council members in Executive Session.

Motion made by Representative Cobos, seconded by Representative Medina, and unanimously carried to move the item into Executive Session.

Representative Sumrall requested that the six projects be reviewed individually.

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***R E S O L U T I O N**

WHEREAS, the Development Corporation Act of 1979, Art. 5190.6, Texas Revised Civil Statutes, authorized the creation of non-profit, non-member, non-stock corporations to act on behalf of political subdivisions of the State of Texas for the promotion of industrial development; and

WHEREAS, on August 28, 1979, the City Council of the City of El Paso, Texas, approved the creation of the City of El Paso Industrial Development Authority, Incorporated; and

WHEREAS, Article VII of the Articles of Incorporation, as amended effective December 21, 1993, vests powers of the Corporation in a Board of Directors, who are appointed by written resolution of the governing body of the City of El Paso, Texas.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That Charles L. (Larry) Glisan be appointed to the Board of Directors of the Industrial Development Authority, effective as of the date hereof, on behalf of Representative District #2.

Motion made, seconded and unanimously carried to move to the Regular Agenda the following:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign an Agreement for Engineering Services between the **City of El Paso** and **CEA Engineering Group**, for a project known as “**Edgemere Median Park**” for an amount not to exceed TWENTY THREE THOUSAND FIVE HUNDRED TWENTY-SIX AND NO/DOLLARS (\$23,526.00).

Representative Medina stated he had requested additional funding for lighting in regard to this project and questioned why the lighting was not included as he had followed protocol, attending the required meetings and was subsequently denied.

Mr. Gonzalo Cedillos, Deputy Director of Engineering, explained that Parks & Recreation had made the recommendation not to include the lighting as part of the contract. Mr. Cedillos suggested adding the lighting as an amendment to the contract.

Representative Cook remarked that the estimates provided by the Parks & Recreation Department for Quality of Life Bond projects were determined to be unrealistic and discussed the number of alternate improvements for Nations Tobin Park that were not approved.

Mayor Raymond C. Caballero suggested Mr. Cedillos review the documents further and provide an answer to Representative Medina’s request for the additional lighting.

Mr. Charlie McNabb, Chief Administrative Officer, interjected that City staff members would be reviewing the parks projects to ascertain whether different funding sources might be utilized.

Representative Cook expressed the importance of not delaying those projects any further.

Mr. Ruben Chavez, CEA Engineering Group representative, responded that during the project scope discussions it was noted that not enough funding was available to include Representative Medina’s requested lighting. He explained that El Paso Electric Company would add area lighting at the cross streets at a preliminary cost of approximately \$100,000.00.

Motion made by Representative Medina, seconded by Representative Cook and unanimously carried to approve the above Resolution.

Representatives Escobar and Cobos were not present for the vote.

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***R E S O L U T I O N**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign an Interlocal Agreement by and between the City of El Paso, in its capacity as the designated Metropolitan Planning Organization for the El Paso Urban Transportation Study Area, and The Regents of New Mexico State University (“NMSU”), wherein NMSU will provide GIS support to the Metropolitan Planning Organization. The total contract cost not to exceed \$21,905.00.
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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign an Amendment to the Personal Services Contract between the **CITY OF EL PASO** and **KRISTI K. BORDEN**, to extend the time of performance through January 29, 2004.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign an Amendment to the Personal Services Contract between the **CITY OF EL PASO** and **HECTOR LOPEZ**, as an Economic Program Analyst I for the Community Development Department, to extend the time of performance through June 9, 2004, and to add a provision which will allow employee to participate in the city's tuition reimbursement program.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Contract between the **CITY OF EL PASO** and the following individuals:

PAUL CASTRO, to assist the Ysleta Branch Library with their "Teen Hangout" Program from August 7, 2002 through August 31, 2002. The Contractor shall be paid a total not to exceed \$500.00

ROBERTA SAGO, to design and develop a web site for El Paso Area Libraries, services are to take place from August 7, 2002 through August 31, 2002. The Contractor shall be paid a total not to exceed \$2,516.00.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Volunteer Services Contract between the **CITY OF EL PASO** and the following individuals:

ARLINA INGRAM, KCOS, to accompany Caillou, a character from PBS Kids, on visits to five library branches, to read stories to children/patrons at the libraries. Services are to take place from August 9, 2002 to August 10, 2002.

LILLIANA URENDA, to assist the Ysleta Branch Library with craft preparation for children's programs, shelving library materials and assist patrons in computer lab. Services are to take place from August 7, 2002 through August 6, 2003 for 20-25 hours per week.

There is no cost to the City.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Contract between the **CITY OF EL PASO** and the following individuals:

CRISTINA GRIJALVA-GARCIA, as a Special Events Coordinator for the Museum of Art from August 7, 2002 through August 6, 2003, at a biweekly rate of \$1,108.42 for 40 hours per week.

MARY T. SPENCER, as a Records Analyst I for the Office of Management and Budget, from August 7, 2002 through August 6, 2003, at a biweekly rate of \$1,192.31 for 40 hours per week.

NOTE: Resolution that the Mayor be authorized to sign a Contract between the **CITY OF EL PASO** and **JESSE BULOS**, as a Records Manager for the Office of Management and Budget, from August 7, 2002 through August 6, 2003, at a biweekly rate of \$1,542.73 for 40 hours per week was deleted.

*Motion made, seconded and unanimously carried to approve the request for the following name(s) to be placed on the Reinstatement list in accordance with Article VI, Section 6.10-10, of the Civil Service Charter Provisions:

- A. Wesley Long, Coach Operator
- B. Martha Lopez, Public Safety Dispatcher – Fire
- C. Jose R. Rojas, Refuse Collection Route Foreman

*Motion made, seconded and unanimously carried to approve the following provisional appointment(s) in accordance with Article VI, Section 6.6-2, of the Civil Service Charter Provisions:

- A. Transit Route Supervisor (1)
- B. Clerk III (1)

*Motion made, seconded and unanimously carried to approve the Staffing Table Change for City Attorney's Office

Delete	1.0	Receptionist	GS9
Add	1.0	Public Information Clerk	GS12

Motion made, seconded and unanimously carried to move to the Regular Agenda the Staffing Table Change for Community Development

Ms. Lisa Turner, citizen, questioned the "Contract Professional – Industrial Recruitment Coordinator" position and wondered whether the position might be better suited under the Economic Development Department rather than the Community Development Department. Ms. Turner wondered what the "Tourism Coordinator" would coordinate and questioned whether the City had hired a private entity to recruit the Tourism Coordinator position.

Mr. Charlie McNabb, Chief Administrative Officer, explained that the Economic Development Department did not have a Department Head at the moment; subsequently, Economic Development Department employees had been temporarily housed under the Community Development Department, under the direction of Ms. Debbie Hamlyn, Director of Community & Human Development. He added that Ms. Hamlyn had suggested a number of new positions of which funding would be available for the next fiscal year. Mr. McNabb added that the "Tourism Coordinator" would be conversing with companies interested in developments such as the "Old West Town" and bringing new businesses into the area that would attract tourists.

Mayor Raymond C. Caballero responded that the position would develop tourism infrastructure.

Motion made by Representative Power, seconded by Representative Sariñana and unanimously carried to approve the Staffing Table Change for Community Development

Add	1.0	Contract Professional – Industrial Recruitment Coordinator	C
Add	1.0	Contract Professional – Tourism Coordinator	C

Representatives Sumrall, Escobar and Cobos were not present for the vote.

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*Motion made, seconded and unanimously carried to approve the Staffing Table Change for Health

Add	1.0	Senior Microbiologist	PM75
Delete	.02	Senior Public Health Specialist	PM74
Delete	.02	Senior Public Health Specialist	PM74
Add	1.0	Community Health Preparedness Coordinator	A
Add	1.0	Public Health Supervisor	PM76
Add	1.0	Administrative Assistant	GS23
Add	1.0	Health Education Instructor	PM74
Add	1.0	Veterinarian Technician	GS20
Add	1.0	Senior Environmental Health Inspector	GS22
Add	1.0	Network Administrator	Contract E
Add	1.0	Public Health Specialist	PM72
Add	1.0	Public Health Specialist	PM72
Add	.04	Senior Public Health Specialist	PM74

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*Motion made, seconded and unanimously carried to re-appoint Vernon Haverstick to the RSVP Advisory Council by Representative Rodriguez.

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*Motion made, seconded and unanimously carried to re-appoint Frank Dimas to the Community Development Steering Committee by Representative Rodriguez.

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*Motion made, seconded and unanimously carried to re-appoint Chester E. Jordan to the Bond Overview Advisory Committee by Representative Power.

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*Motion made, seconded and unanimously carried to appoint Ann L. Pruitt to the Greater El Paso Civic, Convention, and Tourism Advisory Board by Representative Rodriguez.

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*Motion made, seconded and unanimously carried to appoint Laura Foster Kissack to the Fair Housing Task Force by Representative Rodriguez.

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*Motion made, seconded and unanimously carried that the following installment agreements for AD VALOREM taxes be approved in the amount shown and that the Mayor be authorized to sign said agreements on behalf of the City:

- A. PID #R766-999-0010-4100, \$220.18 per month installments on a balance of \$2,201.80 for 2001 taxes; Claudette & Marco Vizcarra – 9 Half Moon.
- B. PID #S127-999-0190-1100, \$169.98 per month installments on a balance of \$2,039.76 for 2001 taxes; Barry & Yolanda MacCardle – 11416 Lake Nemi Dr.

- C. PID #H453-999-0670-6100, \$523.65 per month installments on a balance of \$9,425.70 for 1996, 1997, 1998 & 1999 taxes; Sandra M. Deverney – 2524 Copper Ave.
- D. PID #L220-000-0040-1100, \$275.07 per month installments on a balance of \$2,200.56 for 1999 & 2000 taxes; Graciela Gallegos – 180 Leisure Ln.
- E. PID #'s 0540-999-3000-0000, \$239.14 per month installments on a balance of \$1,913.12 for 1995, 1996, 1997, 1998, 1999, 2000 & 2001 taxes; Sun City Investments % Joe O'Leary-Owner – 6410 Airport.

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 *Motion made, seconded and unanimously carried that the following tax refunds be approved:

- A. Saxon Mortgage, in the amount of \$1,812.41; overpayment of 2001 taxes.
(PID #C340-999-1490-0400)
- B. Mortgage Investors Corporation, in the amount of \$1,477.88; overpayment of 2001 taxes.
(PID #E049-999-0190-0900)
- C. Maria E. & Lonnie Abernathy in the amount of \$1,563.82; overpayment of 2001 taxes.
(PID #M576-999-0220-4100)
- D. Alan G. Spencer, in the amount of \$594.01; overpayment of 2000 taxes.
(PID #R460-999-0140-2000)
- E. First American Real Estate Tax Service, Inc., in the amount of \$1,393.91; overpayment of 2001 taxes. (PID #V655-999-0160-0300)
- F. First Nationwide Mortgage Corporation, in the amount of \$1,932.72, overpayment of 2001 taxes. (W145-999-0230-4000)
- G. Griselda Rojas, in the amount of \$539.38, overpayment of 2001 taxes.
(PID #X579-000-3170-0620)

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 *Motion made, seconded and unanimously carried to approve the authorization to expend Six Hundred Dollars (\$600.00) from District #4 Discretionary Funds to pay for expenses to add three additional concerts to the 2002 Outdoor Concerts in Veteran's Park Amphitheater, by Representative John Cook.

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 *Motion made, seconded and unanimously carried to approve Change Order No. 5 (Construction Change) to J.D. Abrams, L.P., for "EPIA Air Cargo Ramp #4 and Extension of Taxiway K" for an increased amount of \$43,734.41. Change order is to adjust unit price contract quantities as per final measurements and calculations, and for payment of incentive pay for high performance results on concrete slabs, as per F.A.A. rules and regulations.

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 *Motion made, seconded and unanimously carried to award Bid No. 2002-184 Borderland Area Street & Drainage Improvements Phase I

Contractor: Ortega Construction Company Inc.
 El Paso, Texas

Department:	Streets	
Funds Available:	71150069-G7127CD0009-07633-508027	
Funding Source:	CD	
Items:	Base Bid I	\$746,245.00
	Base Bid IA	\$ 1,103.83
	Alternate No. 1	\$ 16,050.00
	Alternate No. 2	\$ 7,600.00
	Alternate No. 3	\$ 24,500.00
	Alternate No. 3A	\$ 428.31
	Alternate No. 4	\$ 7,600.00
	Alternate No. 5	\$ 22,825.00
	Alternate No. 5A	\$ 372.87
Total Award:		\$826,725.01

The Departments of Purchasing, Engineering, and Streets recommend the award of this contract to Ortega Construction Company, Inc., the low responsible, responsive bidder. It is requested that the Mayor of the City of El Paso be authorized to sign the referenced contract approved by the Deputy Director for Engineering, Contract Compliance, and the City Attorney. Additionally, it is requested that the Mayor be authorized to execute budget transfers for this award and project, as necessary.

1. Lump Sum Component

As part of the award of this contract, the Director of Public Works is authorized to approve contract changes which are necessary for proper construction of the work and carrying out the intent of the design, but which do not increase the scope of the contract as awarded, in an amount not to exceed \$25,000 per numbered change order, and not to exceed the total of 10% of the original contract price as awarded, without further authorization by City Council.

2. Unit Price Component

Work under the unit price component is only an estimated value or not to exceed amount and will be ordered, performed, invoiced and paid by measured quantity. The actual cost of the unit price component will be the sum total of unit prices at the end of the contract term.

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*Motion made, seconded and unanimously carried to approve the request of Rep. Rose Rodriguez/Nolan Richardson Center to block off Maxwell between Kenneth and Lawson on October 26, 2002 from 4:00 p.m. to 10:00 p.m. for a Halloween Party. Approximately 20 persons will take part and 500 spectators are anticipated. This request includes permission to use amplification (discotheque; 1 microphone; 3 to 4 speakers). Barricades must be manned according to the State's "Manual of Uniform Traffic Control Devices". PERMIT NO. 02-092
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*Motion made, seconded and unanimously carried to approve the request of Empowerment Resources, Inc. to hold a run/walk on October 19, 2002 from 8:30 a.m. to 9:30 a.m. Route: Start on Crane at Marwood Park, right on River Bend, left on Sunset, right on Vista del Monte, right on Meadowlark, left on Linda, left on Vista del Monte, left on Sunset, right on River Bend, left on Crane, finish at Marwood Park. Approximately 200 persons will take part and 100 spectators are anticipated. This request includes permission to use amplification (small portable amp speaker). Permit No. 02-094.
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*Motion made, seconded and unanimously carried to approve the request of Las Brisas Neighborhood Watch to block off the 5700 block of Las Brisas on August 6, 2002 from 6:30 p.m. to 10:00 p.m. for a National Night Out block party. Approximately 30-40 persons will take part. Barricades must be manned according to the State's "Manual of Uniform traffic Control Devices". Permit No. 02-097.
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*Motion made, seconded and unanimously carried to approve the request of Stars of the Sun Chapter #8 to use amplification (disco, 1 microphone & 4 big speakers) at Mary Webb Park on August 10, 2002 from 3:00 p.m. to 9:00 p.m. Approximately 100 persons will take part. Permit No. 02-098.
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*Motion made, seconded and unanimously carried to postpone one (1) week An Ordinance amending Title 2 (Administration and Personnel), by adding a new Chapter 2.36 (Development Board of Appeals), to establish a new board of appeals for subdivision and development issues.
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*Motion made, seconded and unanimously carried to postpone two (2) weeks An Ordinance changing the zoning of Tracts 17C10, 17C12, 17C39 and 17C156, Section 8, Block 79, Township 3, T & PRR SURVEYS, El Paso, El Paso County, Texas (East of Zaragoza Road and North of Picasso Drive) as follows: Parcel 1, from R-3 (Residential) to C-2 (Commercial) and Parcel 2, from R-3 (Residential) to R-3A (Residential). The penalty being as provided in Section 20.68.010 of the El Paso Municipal Code. Applicant: Tropicana Homes, Inc./ Representative: CEA Engineering Group, 2718 Wyoming, El Paso, TX 79903. ZC-02022.
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ORDINANCE 15170

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 20 (ZONING) OF THE EL PASO MUNICIPAL CODE, CHAPTER 20.44 (C-5 CENTRAL BUSINESS DISTRICT), BY AMENDING SECTION 20.44.090 (OFF-STREET PARKING AND LOADING STANDARDS) TO CLARIFY THAT AN AUTOMATIC REDUCTION OF FIFTY PERCENT OF THE OFF-STREET PARKING REQUIREMENT FOR ALL USES IS PERMITTED, AND THAT OTHER PROVISIONS OF CHAPTER 20.64 (OFF-STREET PARKING AND LOADING REQUIREMENTS) SHALL ALSO APPLY TO PROPERTIES WITHIN A C-5 DISTRICT. THE PENALTY BEING AS PROVIDED IN SECTION 20.68.010 OF THE MUNICIPAL CODE.**

Ms. Patricia Aauto, Director of Planning, explained that approximately 88 downtown city blocks were currently zoned C-5 and added that this Ordinance would amend the Zoning Ordinance, specifically the C-5 Central Business District, to amend the language to read “shall be automatically reduced by 50% and also allows application of other provisions of Chapter 20.64 on parking to be applicable to all uses”. She requested the following changes to the Ordinance, in the heading change “is applied to all uses” to read “for all uses is permitted” and in the body of the Ordinance change “particular” to “permitted”. She noted that the DCC (Development Coordinating Committee) and CPC (City Plan Commission) recommended in favor of the amendment.

Representative Cook questioned whether the Ordinance would affect signage as proposed under the BZAC (Building and Zoning Advisory Committee).

Ms. Aauto reiterated only the off-street-parking requirement would be affected. She explained that through an interpretation by the Zoning Administrator it was discovered that the language was not mandatory but allowed for discretion; therefore, if approved, an automatic reduction of 50% would be instituted and, to allow, if applicable, 100% reduction of the off-street parking requirement, as was allowed in other properties located in the City. She noted that the Ordinance was a temporary amendment but would be incorporated into the BZAC action.

Motion duly made by Representative Cobos, seconded by Representative Cook that the Ordinance be adopted, as revised. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Sumrall, Rodriguez, Medina, Cook, Power, Sariñana and Cobos
NAYS: None Absent: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.
Representative Escobar was not present for the vote.

NOTE: Ordinance was revised from “...to clarify that an automatic reduction of fifty percent of the off-street parking requirement is applied to all uses, and that other provisions...” to read “...to clarify that an automatic reduction of fifty percent of the off-street parking requirement for all uses is permitted, and that other provisions...”.

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ORDINANCE 15171

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 12 (VEHICLES AND TRAFFIC), CHAPTER 12.88 (SCHEDULES), SECTION 12.88.150 (SCHEDULE XIV, SPEED LIMITS), OF THE EL PASO MUNICIPAL CODE, TO TEMPORARILY REDUCE THE EXISTING SPEED LIMITS TO 30 M.P.H. WITHIN THE CONSTRUCTION ZONE FOR THE INTERSECTION OF FRED WILSON AVENUE AND MARSHALL ROAD, FOR THE DURATION OF THE CONSTRUCTION PROJECT. THE PENALTY BEING AS PROVIDED IN SECTION 12.84.010 OF THE EL PASO MUNICIPAL CODE.**

Representative Rodriguez questioned when the project construction would begin and end.

Ms. Lourdes Cardenas, Traffic Engineer IV – Engineering, responded the project was designed by TXDOT; therefore, TXDOT would be informing the public as to when the construction would begin and end.

Mayor Raymond C. Caballero commented that the intersection would be concreted and explained that the El Paso Times newspaper devoted a page to street closures for public information.

Representative Cook reiterated that TXDOT normally posted signs informing the public as to when the construction would be starting and ending.

Motion duly made by Representative Cook, seconded by Representative Escobar that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Sumrall, Rodriguez, Cook, Power, Escobar, Sariñana and Cobos
NAYS: None Absent: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.
Representative Medina was not present for the vote.

ORDINANCE 15172

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 12 (VEHICLES AND TRAFFIC), CHAPTER 12.88 (SCHEDULES), SECTION 12.88.150 (SCHEDULE XIV, SPEED LIMITS), OF THE EL PASO MUNICIPAL CODE, TO TEMPORARILY REDUCE THE EXISTING SPEED LIMITS TO 25 M.P.H. WITHIN THE CONSTRUCTION ZONE FOR THE INTERSECTION OF LEE TREVINO DRIVE AND MONTWOOD DRIVE, FOR THE DURATION OF THE CONSTRUCTION PROJECT. THE PENALTY BEING AS PROVIDED IN SECTION 12.84.010 OF THE EL PASO MUNICIPAL CODE.**

The City Clerk called for public comment. There was no public comment.

Motion duly made by Representative Cook, seconded by Representative Rodriguez that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Sumrall, Rodriguez, Cook, Power, Escobar, Sariñana and Cobos
NAYS: None Absent: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted. Representative Medina was not present for the vote.

ORDINANCE 15173

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 12 (VEHICLES AND TRAFFIC), CHAPTER 12.88 (SCHEDULES), SECTION 12.88.150 (SCHEDULE XIV, SPEED LIMITS), OF THE EL PASO MUNICIPAL CODE, TO TEMPORARILY REDUCE THE EXISTING SPEED LIMITS TO 30 M.P.H. WITHIN THE CONSTRUCTION ZONE FOR THE INTERSECTION OF ALABAMA STREET AND MCKELLIGON CANYON ROAD FOR THE DURATION OF THE CONSTRUCTION PROJECT. THE PENALTY BEING AS PROVIDED IN SECTION 12.84.010 OF THE EL PASO MUNICIPAL CODE.**

The City Clerk called for public comment. There was no public comment.

Motion duly made by Representative Cook, seconded by Representative Escobar that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Sumrall, Rodriguez, Cook, Power, Escobar, Sariñana and Cobos

NAYS: None Absent: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

Representative Medina was not present for the vote.

ORDINANCE 15174

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 2 (ADMINISTRATION AND PERSONNEL), CHAPTER 2.40 (MUSEUM DEPARTMENT), SECTION 2.40.020 (FEES), OF THE EL PASO MUNICIPAL CODE AND ORDINANCE NO. 14194, TO PROVIDE FOR FEES FOR ADMISSION TO SPECIAL EXHIBITS AT THE EL PASO MUSEUM OF ART AND THE EL PASO WILDERNESS PARK MUSEUM.**

The City Clerk called for public comment. There was no public comment.

Motion duly made by Representative Cook, seconded by Representative Sumrall that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Sumrall, Rodriguez, Cook, Power, Sariñana and Cobos

NAYS: None Absent: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

Representatives Medina and Escobar were not present for the vote.

No action was taken regarding hearing to inform City Council of emergency action taken by Building Services to vacate and secure the property at 217 W. Overland Avenue. The owners of record as of July 15, 2002, Francisco & Josefa Gonzalez Family Partnership, 3501 Santo Thomas Circle, Corona, CA 92882-7965, have been notified of the violations at this property.

Mr. Thomas Maguire, Building Services Department, explained that emergency action was taken on the property and evacuation of individuals was necessary. He clarified that the property was located across the street and not in direct contact with the bus terminal and those individuals on strike there.

*Motion made, seconded and unanimously carried to postpone one (1) week discussion on availability of public restrooms in Downtown El Paso. (Anita Blair)

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Motion made by Representative Escobar, seconded by Representative Sumrall and carried to delete discussion and action on – I've gotten approval from the County and City but I think I'll have a problem later. I leased one of the closed Diamond Shamrocks and it is 235 feet (across the street and down the block) from a school. I am asking for a waiver to put a small grocery store with beer and wine permit – 8440 Dyer Street. (Ben Parks, Jr. dba Parks Grocery)

Representative Rodriguez and Cobos voted Nay to delete the item from the agenda.
Representative Medina was not present for the vote.

Mr. Terry Williams, Deputy Director of Building Services, requested Council Members delete the item.

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*Motion made, seconded and unanimously carried to delete the presentation by the Builders' Association regarding repairs to Dick Shinaut Park. (Representative Power)

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Motion made by Representative Sariñana, seconded by Representative Escobar and unanimously carried that the following Ordinances, having been introduced pursuant to Section 3.9 of the El Paso City Charter, be advertised for public hearing:

- A. An Ordinance amending Ordinance 8064 (The Classification and Compensation Plan) to create the class of **E.P.W.U. BUSINESS STRATEGY ANALYST**
- B. An Ordinance granting a Special Privilege to Sun City Cab Company authorizing the use of portions of public rights-of-way on the 800 block of Oregon Street and the 200 block of Sixth Avenue with four taxicab stands. (Initial First Year Fee: \$2,768.00, Monthly Renewal Fee: \$104.00) SP-02005 (**District 8**)

PUBLIC HEARING WILL BE HELD ON AUGUST 20, 2002 FOR ITEMS A – B

Public Hearings will be held as part of the regular City Council meeting which begins at approximately 9AM. All interested persons present shall have an opportunity to be heard at that time. After the public hearings, Council may also delay taking action on Ordinances, no requirement is made by Section 3.9B of the El Paso City Charter to publish any further notice. Copies of all Ordinances are available for review in the City Clerk's office, 2 Civic Center Plaza, Monday through Friday, 8AM to 5PM.

Representative Medina was not present for the vote.

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ADDITION TO THE AGENDA

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign, on behalf of the El Paso Museum of Art, an Exhibition Agreement with the San Diego Museum of Art for the loan of the exhibition *Idol of the Moderns: Pierre Auguste Renoir and American Painting*. The exhibition is scheduled to take place at the El Paso Museum of Art between November 3, 2002, and February 16, 2003. The exhibition fee will be \$100,000.00, inclusive of transportation plus \$2,500.00 for fine-arts insurance.

***R E S O L U T I O N**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Director of the El Paso Public Library be authorized to sign the Memorandum of Understanding (MOU) between the City of El Paso, on behalf of the El Paso Public Library, and the Texas State Library and Archives Commission (TSLAC). Under the terms of the MOU, TSLAC will lend videoconferencing equipment to the Library, at no cost, for use in continuing education, staff development, and other opportunities for members of the community. The MOU will be effective for a term of three years.

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*Motion made, seconded and unanimously carried to approve the authorization to transfer One Hundred Dollars (\$100.00) from District 3 Discretionary Funds to the Clardy Fox Library to assist with their National Night Out Event.

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Motion made by Representative Cook, seconded by Representative Escobar and unanimously carried that the City Council retire into **EXECUTIVE SESSION** pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Sections 551.071 - 551.076 to discuss any of the following:

Section 551.071	CONSULTATION WITH ATTORNEY
Section 551.072	DELIBERATION REGARDING REAL PROPERTY
Section 551.073	DELIBERATION REGARDING PROSPECTIVE GIFTS
Section 551.074	PERSONNEL MATTERS
Section 551.076	DELIBERATION REGARDING SECURITY DEVICES

A. Jessie Oberson vs. The City of El Paso, Cause No. 2001-120, Our File No. 01-S-02 (551.071)

B. Resolution that the following Housing Rehabilitation application and funding be approved in the amounts shown below as recommended by the Director of Community and Human Development and that the City Comptroller be authorized to issue checks in the amounts shown below for the approved application.

Application No.: H02-06-CD/IO/MP-0318	HOME Loan:	\$ 652,232.00
	HOME Grant:	\$ 490,848.00
	Total	\$1,143,080.00

Address: 1015 Myrtle Avenue (79901)
Interest at three percent (3%)

and that the Mayor be authorized to sign a HOME Financial Terms Contract between the City and Steven S. Stoiber and Maria Stoiber aka Maria G. Stoiber, and a Builder's and Mechanic's Lien Contract and Deed of Trust (With Power of Sale) between the City, Medsons Construction Ltd. Co., and Steven S. Stoiber and Maria Stoiber aka Maria G. Stoiber, relating to a Community Development Rehabilitation Loan Application No. H02-06-CD/IO/MP-0318. (551.071)

Motion made by Representative Cook, seconded by Representative Rodriguez and unanimously carried to adjourn the Executive Session and reconvene the meeting of the City Council, during which time motions were made as follows:

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Motion made by Representative Medina, seconded by Representative Sariñana and carried that the City Attorney be **AUTHORIZED TO DENY SETTLEMENT OFFER** in the lawsuit entitled **JESSIE OBERSON vs. THE CITY OF EL PASO; Cause No. 2001-120; Our File No. 01-S-02**, as recommended by the City Attorney.

Representatives Sumrall and Escobar were not present for the vote.

Motion made by Representative Cook, seconded by Representative Medina and unanimously carried to approve the Resolution that the following Housing Rehabilitation application and funding be approved in the amounts shown below as recommended by the Director of Community and Human Development and that the City Comptroller be authorized to issue checks in the amounts shown below for the approved application.

Application No.: H02-06-CD/IO/MP-0318	HOME Loan:	\$ 652,232.00
	HOME Grant:	\$ 490,848.00
	Total	\$1,143,080.00

Address: 1015 Myrtle Avenue (79901)
Interest at three percent (3%)

and that the Mayor be authorized to sign a HOME Financial Terms Contract between the City and Steven S. Stoiber and Maria Stoiber aka Maria G. Stoiber, and a Builder's and Mechanic's Lien Contract and Deed of Trust (With Power of Sale) between the City, Medsons Construction Ltd. Co., and Steven S. Stoiber and Maria Stoiber aka Maria G. Stoiber, relating to a Community Development Rehabilitation Loan Application No. H02-06-CD/IO/MP-0318.

Representatives Sumrall, Rodriguez, Medina, Cook, Power, Sariñana and Cobos voted Aye.
Representative Escobar was not present for the vote.

Representative Cobos questioned how much money had the applicant already expended.

Ms. Maria Stoiber, applicant, responded \$60,000.00.

Representative Cobos questioned whether Community Development monies had financed a portion of the \$60,000.00

Ms. Stoiber responded she had expended \$30,000.00, in addition to the loan amount of \$30,000.00 for a total of \$60,000.00.

Representative Cobos moved to deny, Representative Sumrall seconded.

Representative Sariñana questioned when Community Development had received the "rehab" monies, and he understood the monies must be spent within two years as per HUD policy.

Ms. Debbie Hamlyn, Director of Community & Human Development, responded no and explained that every year the Community Development Department received an allocation for HOME and CD dollars. She explained that CD dollars must be spent within 18 months and HOME dollars are given a longer period of time. She explained that the Department tries to have the monies committed within a two-year period.

Representative Cobos questioned whether the Department was in jeopardy of losing the monies.

Representative Medina commended Ms. Stoiber on her previous restoration project "Collingsworth", and he would like other restoration project to emulate that example.

Ms. Hamlyn reiterated that restoration projects in historic districts are usually very expensive not only due to the nature of the restoration but they must comply with state requirements as well.

Representative Cobos added that the Collingsworth project was a magnificent project; however, the City could not afford to give away \$491,000.00 and \$652,000.00 at 3% interest.

The vote to deny was taken with the following results:
Representatives Sumrall and Representative Cobos voted Aye.
Representatives Rodriguez, Medina, Cook, Power and Sariñana voted No.
Representative Escobar was not present for the vote.

Motion made by Representative Cook, seconded by Representative Medina and unanimously carried to approve the Resolution.
Representative Escobar was not present for the vote.

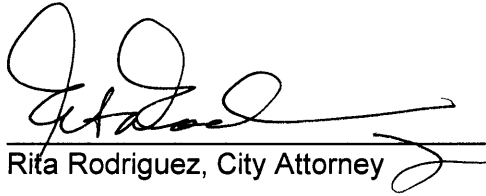
.....
Motion made by Representative Sariñana, seconded by Representative Cobos and unanimously carried to adjourn this meeting at 10:45 a.m.
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APPROVED AS TO CONTENT:

APPROVED AS TO FORM:



Richarda Duffy Momsen, City Clerk



Rita Rodriguez, City Attorney